**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**O.O.C.J.**

**COMPANY APPLICATION NO. 105 OF 2007**
**IN**
**COMPANY PETITION NO. 613 OF 1984**

M/s. Kay Kay Trading. ... Petitioner.

V/s.

The Official Liquidator. ... Respondents.

And

Kalpataru Homes Ltd. ... Applicant.

....

Ms. Swati Dabhibawar i/b. Sanju Ahooja for the Applicant.

....

**CORAM : DR. D.Y.CHANDRACHUD,J.**

**13th April 2007.**

**P.C. :**

. The Company Application is for condoning the delay in filing a proof of debt before the Official Liquidator. An award was passed in 11th June 1992 by the Co-operative Court in favour of the original decree holder Shyamrao Vithal Co-operative Bank Ltd. in the amount of Rs.83.40 lakhs together with interest. The decree holder had initiated an execution proceeding in 1994 (Execution Application

288 of 1994). Subsequently, a deed of assignment was executed in December 2006 in favour of the Applicant.

2. Having regard to the facts and circumstances, the delay is condoned. The Company Application is made absolute in terms of prayer clause (a).

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